

1 VOL: II  
2 PAGES: 202-397  
3 EXHIBITS: 8-12

4 UNITED STATES DISTRICT COURT  
5 FOR THE DISTRICT OF MASSACHUSETTS

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7 \* \* \* \* \*  
8 SHEILA J. PORTER, \*  
9 Plaintiff \*  
-vs- \* Civil Action  
10 ANDREA CABRAL; SUFFOLK COUNTY \* No. 04-11935-DPW  
SHERIFF'S DEPARTMENT; SUFFOLK \*  
COUNTY and CORRECTIONAL MEDICAL \*  
SERVICES, INC., \*  
11 Defendants \*  
\* \* \* \* \*

12  
13 CONFIDENTIAL PURSUANT TO THE PROTECTIVE ORDER

14  
15 CONTINUED DEPOSITION OF ANDREA CABRAL, ESQUIRE,  
a witness called on behalf of the Plaintiff, in the  
above-captioned matter, said deposition being  
taken pursuant to the Federal Rules of  
Civil Procedure, before Patricia M.  
16 McLaughlin, a Certified Shorthand Reporter and  
Notary Public in and for the Commonwealth of  
Massachusetts, at the offices of Goodwin Procter  
LLP, Exchange Place, Boston, Massachusetts, on  
17 Friday, June 24, 2005, commencing at 10:10 a.m.

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24  
MC LAUGHLIN & ASSOCIATES COURT REPORTERS  
92 DEVIR STREET, SUITE 304  
MALDEN, MASSACHUSETTS 02148  
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1 ALSO PRESENT:  
2 SHEILA PORTER  
3 JAMES SWEET, GOODWIN PROCTER LLP  
4 DENNIS D'ANGELO, GOODWIN PROCTER LLP

3

1 APPEARANCES:  
2 JOSEPH F. SAVAGE, JR., ESQUIRE  
3 and  
4 DAVID S. SCHUMACHER, ESQUIRE  
5 GOODWIN PROCTER LLP  
6 Exchange Place  
7 Boston, Massachusetts 02109  
8 On behalf of the Plaintiff  
9 ELLEN CAULO, ESQUIRE  
10 GENERAL COUNSEL  
11 Suffolk County Sheriff's Department  
12 200 Nashua Street  
13 Boston, Massachusetts 02114  
14 On behalf of the Defendants,  
15 Andrea Cabral, Suffolk County  
16 Sheriff's Department and Suffolk  
17 County  
18 ALEXANDRA B. HARVEY, ESQUIRE  
19 ADLER, COHEN, HARVEY, WAKEMAN & GUEKGUEZIAN  
20 230 Congress Street  
21 Boston, Massachusetts 02110  
22 On behalf of the Defendant,  
23 Correctional Medical Services, Inc.

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WITNESS DIRECT CROSS REDIRECT RECROSS  
ANDREA CABRAL, ESQUIRE  
By Mr. Savage 207

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1 Q <sup>165</sup> What way is that an inaccurate summary of  
2 the statement provided?

3 A What I said in the press statement was that  
4 Sheila Porter was not terminated by the  
5 Suffolk County Sheriff's Department; she was  
6 not an employee; she was fired by CMS for  
7 reasons that are known to her and CMS. She's  
8 clearly biased and has her own agenda for  
9 coming forward or something of that nature at  
10 this time; that she was barred for violation  
11 of department policy and contractual  
12 obligations.

13 That's my statement.

14 Q In what way is what they have got there  
15 inaccurate?

16 A They characterize it as Porter's cooperation  
17 with the FBI, an outside agency, violated  
18 department rules. I never said anything like  
19 that in the press statement.

20 Q Do you know where they got that information?

21 A I don't.

22 Q Do you know who from the Sheriff's Department  
23 spoke or otherwise communicated with the  
24 people from Channel 5?

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1 A I did.

2 Q Does it contain statements attributed to you?  
3 A It contains what appears to be a voice-over  
4 or a narrative that says, "Sheriff Cabral's  
5 administration says Porter's cooperation with  
6 the FBI, an outside agency, violated  
7 department rules. They say Porter has her  
8 own agenda."

9 I don't take that statement as  
10 attributed to me. I issued a press  
11 statement. That can be attributed to me.  
12 How they have summarized it or the words they  
13 have used, I don't think can be attributed to  
14 me.

5 Q Do you believe they have accurately  
6 summarized what you issued as a press  
7 statement to them?

8 A No.

9 Q What efforts did you make to get them to  
0 correct the inaccurate summary of the  
1 statement you issued?

2 A I have never seen this before. I never saw  
3 the Channel 5 report. To date, I have never  
-1 seen the Channel 5 report.

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1       the allegations were politically motivated,"  
 2       there appears to be a quote from Steve  
 3       Tomkins?  
 4       A   Yes.  
 5       Q   Who is Mr. Tomkins?  
 6       A   He was the press spokesperson for the  
 7       Sheriff's Department.  
 8       Q   Was he authorized by you to have a discussion  
 9       with Miss McCardle for this article?  
 10      A   He was authorized by me to have sort of a  
 11      background discussion with her about what it  
 12      was she was going to cover with me in the  
 13      article and to have that conversation with  
 14      her.  
 15      Q   So it was not your understanding that he was  
 16      going to have an on-the-record conversation?  
 17      A   Right, and I don't think that was his  
 18      understanding either.  
 19      Q   In your view, he was -- I'm not referring to  
 20      the substance, but he was not authorized to  
 21      have himself quoted in this article as far as  
 22      you were concerned?  
 23      A   Not as far as I was concerned.  
 24      Q   And he indicates here apparently that those

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1       Q   And do you believe that the allegations  
 2       contained in the preceding sentence are, in  
 3       fact, a hundred percent ridiculous?  
 4       A   So you're not asking me about his quote?  
 5       Q   I'm not.  
 6       A   You're just asking me my opinion of what --  
 7       Q   I am.  
 8       A   I wouldn't characterize them as ridiculous.  
 9       I would say that I disagree with them.  
 10      Q   Did you have any conversations with  
 11      Mr. Tomkins about what he was quoted as  
 12      saying after the article of Exhibit 10 was  
 13      published?  
 14      A   Yes.  
 15      Q   What did you say to him, and what did he say  
 16      to you?  
 17      A   We had an -- I don't recall exactly what was  
 18      said by me and exactly what was said by him,  
 19      but I know that I indicated that I didn't  
 20      expect that he would be quoted in the  
 21      article. He indicated that he didn't expect  
 22      that he would be quoted in the article. He  
 23      believed what he was giving her was what  
 24      commonly known as on background, so he was

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1       allegations, in reference to the preceding  
 2       sentence which includes the statement about  
 3       Miss Porter, "Those allegations are a hundred  
 4       percent ridiculous." Is that your position,  
 5       that the allegations are a hundred percent  
 6       ridiculous?  
 7       MS. CAULO: Objection. I don't think  
 8       it's clear from that to what extent that  
 9       response was being offered, whether it's that  
 10      subset of allegations or a greater universe.  
 11      So I object to the premise underlying the  
 12      question.  
 13      A   Ask the question again. I'm not sure what  
 14      you're asking.  
 15      Q   Do you understand your spokesman to be  
 16      referring in the sentence that says, "Those  
 17      allegations were a hundred percent  
 18      ridiculous," to be referring to the  
 19      allegations in the preceding sentence?  
 20      A   I understand them to be referring to the  
 21      allegations in the reporter's question. I  
 22      have no way of knowing whether or not what is  
 23      in the preceding sentence is an accurate  
 24      reflection of what was in the question.

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1       surprised to see it in the article himself.  
 2       Q   Did he indicate that he was misquoted?  
 3       A   No, I don't believe so, but I think there was  
 4       more to his answer than what's published  
 5       there. I don't think -- to the extent that  
 6       you take that as part of his response, I  
 7       think that he said that.  
 8       Q   Was he authorized by you to indicate on  
 9       background that the allegations were a  
 10      hundred percent ridiculous?  
 11      A   No, it doesn't work that way with the press  
 12      spokesperson. Press people develop  
 13      relationships with members of the press and  
 14      have regular informal conversations with them  
 15      about a number of stories, some of which get  
 16      published and some of which don't. Usually,  
 17      it's understood the difference between an  
 18      individual's opinion and when they are  
 19      speaking in their professional capacity.  
 20      In this case, I assume there was a  
 21      misunderstanding. The way that you described  
 22      it is not the way that press people work,  
 23      because they deal with the press so  
 24      frequently and have established professional